

1990

CALIFORNIA PARK, RECREATION, AND WILDLIFE ENHANCEMENT ACT OF 1990

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California Park, Recreation, and Wildlife Enhancement Act of 1990

Official Title and Summary

CALIFORNIA PARK, RECREATION, AND WILDLIFE ENHANCEMENT ACT OF 1990

- This act provides for a bond issue of four hundred thirty-seven million dollars (\$437,000,000) to provide funds for a program of acquiring, developing, rehabilitating, or restoring real property for state and local park, beach, recreation, greenbelt, wildland fire protection, coastal, historic, or museum purposes.
-

Final Votes Cast by the Legislature on AB 145 (Proposition 149)

Assembly: Ayes 54	Senate: Ayes 27
Noes 11	Noes 5

Analysis by the Legislative Analyst

Background

In past years, the state has purchased, protected and improved park, wildlife and natural areas, and has given money to local governments for similar purposes. The state has sold general obligation bonds to raise a large part of the money for these purposes. As of July 1990, all but about \$140 million of \$2.3 billion authorized by the previous bond acts had been spent or committed to specific projects.

Proposal

This measure would permit the state to sell \$437 million in general obligation bonds for natural resource-related purposes. The proceeds of this bond issue would be deposited in the Park, Recreation, and Wildlife Enhancement Bond Fund of 1990.

General obligation bonds are backed by the state, meaning that the state is obligated to pay the principal and interest costs of these bonds. General Fund revenues would be used to pay these costs. These revenues come primarily from the state personal income and corporate taxes and the state sales tax.

The bond money would be used mostly to build new parks and trails, improve existing parks, increase public access to beaches and natural areas, buy land or pay landowners to prevent land from being developed, restore lands to a more natural state, build and improve forest fire stations, and build and improve museums, zoos, and aquariums. The bond money would be divided as follows:

Local Park and Open Space Grants—\$182 million. Local governmental agencies and nonprofit groups would receive this state money and use most of it to buy and improve parks and recreational areas, beaches, recreational trails and urban greenbelts, wildlife and natural areas, museums, zoos and aquariums. Some of the money also would be used to restore historic buildings and sites. The measure divides the money in two ways:

- \$87 million to be divided among local agencies based on population.
- \$95 million to be awarded on a competitive or need basis.

2. State Parks—\$109 million. The state would use this money to buy or improve property for state parks, beaches, and recreational areas. The measure includes \$14 million to buy land to add to existing parks and \$11 million to buy land for new parks. The other \$84 million is to improve state parks, trails, museums, and historic buildings and sites.

3. State Forestry and Fire Protection—\$31 million. The state would use \$25 million to buy land for forest fire stations and to build and improve these and other forestry facilities. The other \$6 million is to buy land for additions to demonstration state forests (where the state harvests timber, conducts forestry research and

provides public recreation).

4. Fish and Wildlife—\$27 million. The state would use \$10 million to buy and improve land to protect waterfowl and wildlife habitat in California's Central Valley, and \$17 million to buy and improve land to protect other wildlife habitat and for wildlife-related use by the public.

5. Lake Tahoe Region—\$16 million. State and local agencies and nonprofit groups would use \$11 million to buy and restore natural lands in the Lake Tahoe region to protect natural areas, provide public access and recreation, and improve wildlife areas. The measure also includes \$5 million to buy land for, develop and equip a Lake Tahoe research and public education center.

6. Coastal Resources—\$15 million. State and local agencies and nonprofit groups would use this money to buy and improve land to protect resources in California's coastal areas.

7. Museums—\$18 million. The state would use \$8.5 million for earthquake safety-related improvements to the Museum of Science and Industry. In addition, the California Academy of Sciences would receive \$8 million for improvements, and a nonprofit group would receive \$1.5 million for planning and building a new California Museum of Latino History, Art, and Culture.

8. Other Purposes—\$39 million. State and local agencies and nonprofit groups would use \$10 million to buy land in the Santa Monica Mountains for parks or open space. In addition, the state would use \$9 million mostly to restore streams in urban areas, reduce shoreline erosion on public land, make loans for public marinas, and improve the Capitol Park in Sacramento. The remaining \$20 million would be used for any purposes of this measure that the Legislature decides are of the highest priority.

The measure also would allow some of the bond money to be used for administrative costs to oversee funded projects.

Fiscal Effect

Direct Costs of Paying Off the Bonds. For these types of bonds, the state typically would make principal and interest payments from the state's General Fund over a period of about 20 years. Assuming all of the authorized bonds are sold at an interest rate of 7.5 percent, the cost would be about \$780 million to pay off both the principal (\$437 million) and interest (about \$343 million). The average payment for principal and interest would be about \$33 million per year.

Operational Costs. The state and local governments that buy or improve property with these bond funds will incur additional costs to operate or manage these properties. These costs may be offset partly by revenues from those properties, such as entrance fees. The net additional costs cannot be estimated.

For text of Proposition 149 see page 69

Argument in Favor of Proposition 149

Proposition 149 will improve local parks in every community, will expand and improve our state parks, will protect important wildlife habitat, and will benefit our coast, our rivers, and other important resources.

PROPOSITION 149 WILL BENEFIT NEIGHBORHOOD PARKS

- Every city, county, and park district will receive park grants based on population, and each community will decide how the money will be spent.
- Communities will compete for grants to develop recreational trails, historical buildings, urban greenbelt parks, museums, zoos, and urban streams and to provide public access to waterways. Handicapped access projects will receive special consideration.

PROPOSITION 149 WILL PRESERVE IMPORTANT NATURAL AREAS

- Urban rivers and waterfront parks will benefit from acquisition and development grants. Examples:
San Dieguito River Park and Mission Bay, San Diego
Santa Ana River Corridor Trail Systems—San Bernardino, Riverside and Orange Counties
Los Angeles River
Guadalupe River Park, San Jose
San Joaquin River Parkway, Fresno/Madera Counties
American River Parkway, Sacramento
- The California Tahoe Conservancy will receive funds to preserve Lake Tahoe's water quality, improve public access to the Lake, and acquire and enhance important wildlife areas.
- The State Coastal Conservancy will receive funds to acquire wildlife habitat and scenic properties, develop public piers and wharfs, and provide public coastal access and trails. A few examples:
Otay River Valley, San Diego
Venice Pier and Waterfront, Los Angeles
Del Monte Dunes Access, Monterey
Fisherman's Wharf, San Francisco
Shoreline trail around San Francisco Bay
Trinidad Cove, Humboldt County
- The Santa Monica Mountains Conservancy will receive funds to acquire and improve wildlife habitat and important recreational lands in the Santa Monica Mountains.

PROPOSITION 149 WILL EXPAND AND IMPROVE OUR STATE PARKS AND CAMPGROUNDS

- Development of campgrounds and trails in existing state parks and acquisition of new parklands will be funded. Coastal and inland parks, historical and archaeological resources, and museums will benefit.

- The SNO-PARK program will be expanded for additional winter recreation opportunities.

PROPOSITION 149 WILL PRESERVE IMPORTANT WILDLIFE HABITAT

- The Wildlife Conservation Board will receive funds to restore habitat for migratory birds, acquire and enhance critical wildlife habitat, including for threatened and endangered species, and improve public access to view wildlife.
- The State Department of Forestry will build facilities to fight wildland fires.

PROPOSITION 149 HAS WIDESPREAD PUBLIC SUPPORT, INCLUDING:

California Park and Recreation Society
California Building Industry Association
California Waterfowl Association
League of California Cities
California State Park Rangers Association
Planning and Conservation League
California Association of Zoos and Aquariums
Sierra Club California
League to Save Lake Tahoe
American Association of University Women, California State Division
Defenders of Wildlife
California Association of Recreation and Park Districts
Department of Forestry Employees Association
East Bay Regional Park District
Southern California Marine Association
California Housing Council

Few areas of the world match California's physical beauty, diverse fish and wildlife resources, and recreational opportunities. As our state's population grows, we must ensure that recreational needs are met and our environment is protected.

Proposition 149 provides a balanced program for meeting California's increased demands for recreation, and it helps to protect our precious natural resources.

VOTE YES ON PROPOSITION 149!**HONORABLE JIM COSTA**

Former Chairman, Assembly Committee on Water, Parks and Wildlife, 1983-1990

ROBERT P. THOMAS

President, California Park and Recreation Society

HONORABLE IOLA M. WILLIAMS

President, League of California Cities

Rebuttal to Argument in Favor of Proposition 149

Let's take a moment to add up all the bond money and other funds approved by the voters for park programs in the last 16 years:

1974	\$250,000,000
1976	280,000,000
1980	285,000,000
1984	370,000,000
1986	100,000,000
1988	776,000,000
June 1990	900,000,000
Total	\$2,961,000,000

That's almost *three billion dollars* already committed to state and local parks. And *half* of that money hasn't even been spent yet!

Now, let's add up the *new* bond money proposed for forests and parks on this November's ballot:

Proposition 128	\$300,000,000
Proposition 130	742,000,000
Proposition 138	300,000,000
Proposition 149	437,000,000
Total	\$1,779,000,000

Finally, let's add the two columns together. The grand total is *\$4,740,000,000*—nearly *five billion dollars*. Talk about gilding the lily!

VOTE "NO" ON PROPOSITION 149.

No one disputes that our parks are a high priority. But it's senseless to go deeper into debt when park programs already have ample funding—and other state programs are sorely lacking.

We've removed billions of dollars of property from the tax rolls for proposed parks, but without maintaining existing parks—much to the dismay of people who use them. That's putting the cart before the horse!

VOTE "NO" ON PROPOSITION 149.

In 1988, California voters approved a record \$5,500,000,000 in general obligation bond measures. In 1990, we're on a pace to *double* that amount!

We need to put the brakes on runaway state borrowing, and Proposition 149 is a good place to stop.

Our parks are protected without more debt.

SENATOR QUENTIN L. KOPP

State Senator, Independent—8th District

JAY CURTIS

President, Los Angeles Taxpayers Association

DON CHRISTEN

Executive Vice President, Contra Costa Taxpayers Association

California Park, Recreation, and Wildlife Enhancement Act of 1990

149

Argument Against Proposition 149

There is such a thing as *too much* of a good thing. Proposition 149, a \$437,000,000 park bond measure, is a prime example.

VOTE "NO" ON PROPOSITION 149.

Since 1974, the voters have approved six separate park bond measures totaling \$2,061,000,000. That's *two billion dollars* exclusively for state and local parks. And as of June 30th, half of those bonds—\$1,006,000,000—hadn't been sold yet!

Isn't *two billion dollars* enough for a while? Why go deeper into debt if the state has issued *only half* the available bonds?

VOTE "NO" ON PROPOSITION 149.

The extravagance doesn't stop there. Three initiatives on this November's ballot (Propositions 128, 130, and 138) contain another \$1,300,000,000 in bond funds for forests and parks. Even the alcohol tax initiative (Proposition 134) allocates \$21,800,000 in tax revenue for park programs. Enough is enough!

VOTE "NO" ON PROPOSITION 149.

In fact, parks and park programs have become a favorite device for all kinds of special interest initiatives to attract votes and support. Proposition 99—the initiative to raise the cigarette tax in 1988—earmarked 5% of tax proceeds to parks and wildlife. That's about \$45,000,000 to date.

The mountain lion initiative on the June 1990 ballot will divert \$900,000,000 in General Fund revenue over 30 years to five park boards and agencies. Those same five agencies are slated to receive another \$64,000,000 on top of that from Proposition 149. Just one of the agencies—the Santa Monica Mountains Conservancy—already has been guaranteed the *incredible sum* of \$85,850,000 by two different ballot measures since 1988. That's outrageous!

VOTE "NO" ON PROPOSITION 149.

Our State Treasurer has warned repeatedly that the Legislature and voters are approving too many general obligation bond measures. In 1986, \$3,300,000,000 in bonds were approved. In 1988, the total was \$5,500,000,000. In 1990, we already approved \$5,000,000,000 in bonds at the June election. The November ballot contains 14 bond measures worth another \$5,500,000,000.

Remember, too, that interest payments on bond debt *almost double the cost* to retire the bonds. Proposition 149, for example, will cost state taxpayers approximately \$733,000,000 in principal and interest payments over 20 years.

We can't go on borrowing money forever. Sooner or later, we have to pay the piper.

VOTE "NO" ON PROPOSITION 149.

Our state and local parks are a valuable resource, and they've received *generous* bond funding from state voters that will last for some time to come. Just two years ago, a \$776,000,000 park bond measure was approved, the largest in state history.

It's time to take a breather from the park bond binge!

SENATOR QUENTIN L. KOPP

State Senator, Independent—8th District

JAY CURTIS

President, Los Angeles Taxpayers Association

DON CHRISTEN

Executive Vice President, Contra Costa Taxpayers Association

Rebuttal to Argument Against Proposition 149

THE OPPONENTS WANT TO CONFUSE YOU! Their facts are wrong, their numbers misleading. Proposition 149 was put on the ballot with the support of a broad coalition of business organizations, park professionals, conservation groups, and cities and counties. It received overwhelming bipartisan approval by both houses of the Legislature—it is not an initiative!

While recent environmental initiatives have focused on purchasing land, *they have not provided funding to make these lands accessible to the public.* Every year, hundreds of thousands of Californians are turned away from state and local parks for lack of campgrounds, picnic tables, athletic fields, and other basic facilities. Our state park system has not received major development funds since 1984. *Proposition 149 corrects this.* It is a no-frills plan to provide only the most essential capital improvements to our local and state park system. Delaying these improvements will result in higher costs, higher fees, and higher taxes.

PROPOSITION 149 IS A GOOD INVESTMENT!

California is one of only four states with the highest (AAA) bond rating given by Wall Street. As a result, we get the lowest interest rate available. Our cost of repaying bonds is a low 1.8% of the General

Fund. In January the independent Legislative Analyst reported that California can issue considerably more bonds without lowering its credit rating.

EVERYONE BENEFITS!

Unlike other ballot measures, *Proposition 149 guarantees that every community will receive funds* to improve local parks and other important recreation facilities.

Please vote "YES" on this *critically needed measure*.

HONORABLE LUCY KILLEA

Chair, Senate Committee on Bonded Indebtedness and Methods of Financing

PETE DANGERMOND

Former Director, California Department of Parks and Recreation

HONORABLE DOMINIC L. CORTESE

Chairman, Assembly Committee on Water, Parks and Wildlife

(7) Annual principal and interest payments shall commence not later than one year after completion of any project and all loans shall be fully amortized not later than 50 years after project completion.

(8) The recipient of a loan shall establish a dedicated source of revenue for repayment of the loan.

(9) Any loans made pursuant to this chapter may be for a period of up to 20 years. The interest rate for the loans made for projects to be funded pursuant to Section 12879.5 shall be set at a rate equal to the interest rate paid by the state on the most recent sale of state general obligation bonds, with that rate to be computed according to the true interest cost method. The interest rate for loans made for projects to be funded pursuant to Section 12879.6 shall be set at a rate equal to 50 percent of the interest rate paid by the state on the most recent sale of state general obligation bonds, with that rate to be computed according to the true interest cost method. When the interest rate so determined is not a multiple of one-tenth of 1 percent, the interest rate shall be set at the next higher multiple of one-tenth of 1 percent. The interest rate set for each contract shall be applied throughout the repayment period of the contract. There shall be a level annual repayment of principal and interest on the loans. The amount of the principal shall include the administrative fee described in subdivision (b).

(d) All loans made pursuant to this chapter shall be subject to the approval of the Legislature by statute.

(e) Applications for loans or financial participation by the state under this chapter shall be made to the department in the form and with the supporting material as may be prescribed by the department.

(f) All money repaid to the state pursuant to any contract executed under this chapter, or under Section 13999.11, shall be deposited in the General Fund as reimbursement for payment of principal and interest on bonds authorized to be issued under this chapter or Chapter 15

(commencing with Section 13999) that have been paid from the General Fund.

(g) As approved annually by the Legislature in the Budget Act, the department, notwithstanding subdivision (b), may expend money repaid to the state pursuant to any contract executed pursuant to this chapter as necessary for the administration of contracts entered into by the department pursuant to this chapter. However, the expenditures may not in any year exceed 1.5 percent of the amount repaid to the state in that year. Charges incurred by the Attorney General in protecting the state's interests in the use and repayment of funds pursuant to this chapter may be paid by the department from these funds. However, the charges may not exceed 0.5 percent of the amount repaid to the state in that year. Any of the foregoing sums approved by the Legislature in the Budget Act but unencumbered at the end of any year shall automatically revert to the General Fund.

SEC. 3. Section 13867 of the Water Code is amended to read:

13867. The department shall require the payment of interest on each loan that is *has been made pursuant to the provisions of this chapter at a rate equal to the average, as determined by the State Treasurer, of the net interest cost to the state on the sales of general obligation bonds pursuant to the provisions of this chapter. However, when the applicable average of the net interest costs to the state is not a multiple of one-tenth of 1 percent the interest rate shall be at the multiple of one-tenth of 1 percent next above the applicable average of the net interest costs; that is 50 percent of the average interest rate, computed by the true interest cost method, paid by the state on general obligation bonds sold pursuant to this chapter up to November 7, 1990. The interest rate established by the amendment of this section at the 1989-90 Regular Session of the Legislature shall be applied retroactively for the full term of all loans issued under this chapter from the date of issuance.*

Proposition 149: Text of Proposed Law

This law proposed by Assembly Bill 145 (Statutes of 1990, Ch. 920) is submitted to the people in accordance with the provisions of Article XVI of the Constitution.

This proposed law adds sections to the Public Resources Code; therefore, new provisions proposed to be added are printed in *italic type* to indicate that they are new.

PROPOSED LAW

SECTION 1. Chapter 1.692 (commencing with Section 5096.300) is added to Division 3 of the Public Resources Code, to read:

CHAPTER 1.692. CALIFORNIA PARK, RECREATION, AND WILDLIFE ENHANCEMENT ACT OF 1990

Article 1. General Provisions

5096.300. This chapter shall be known and may be cited as the California Park, Recreation, and Wildlife Enhancement Act of 1990.

5096.301. The Legislature hereby finds and declares all of the following:

(a) It is the responsibility of the state to provide and to assist in the provision of better park, recreation, and museum opportunities and facilities for all citizens of California, and to provide for the preservation of historic, natural, and cultural resources.

(b) It is the policy of the state to preserve, protect, and, where possible, restore coastal resources which are of significant recreational or environmental importance and, through proper planning and development, to make them available for the enjoyment of present and future generations of persons of all income levels, all ages, and all social groups.

(c) When there is proper planning and development, parks, beaches, recreation areas and recreational facilities, museums, and preservation of archaeological and historic sites and structures and natural and cultural resources contribute not only to a healthy physical and moral environment, but also contribute to the economic betterment of the state, and, therefore, it is in the public interest for the state to acquire, develop, and restore areas for recreation, conservation, or preservation and to aid local governments of the state in acquiring, developing, or restoring those areas as will contribute to the realization of the policy declared in this chapter.

5096.302. The Legislature further finds and declares all of the following:

The demand for parks, beaches, recreation and coastal areas and recreational facilities, museums, and historical resource preservation and natural and cultural resource projects in California is far greater than what is presently available, with the number of people who cannot be accommodated at the area of their choice or any comparable area increasing rapidly. Furthermore, the development of parks, beaches, recreation and coastal areas and recreational facilities,

museums, and historical resource preservation and natural and cultural resource projects has not proceeded rapidly enough to provide for their full utilization by the public.

(b) The demand for parks, beaches, recreation and coastal areas and recreational facilities, museums, and historical resource preservation and natural and cultural resource projects in the urban areas of our state is even greater since over 90 percent of the present population of California reside in urban areas; there continues to be a serious deficiency in open space and recreation areas in the metropolitan areas of the state; and less urban land is available, costs are escalating, and competition for land is increasing.

(c) There is a high concentration of urban social problems in California's major metropolitan areas which can be partially alleviated by increased recreational opportunities.

(d) There is a particularly high demand for water oriented recreational use at rivers, reservoirs, and lakes within the state park system, and recreational facilities at nonstate water facilities are particularly in need of expansion, rehabilitation, or restoration.

(e) Californians have expressed a high priority for increased provision of all of the following:

(1) Protection of wildlife and environmental areas.

(2) Developed campgrounds.

(3) Museums, historic and archaeological sites, zoos, and aquariums.

(4) Recreational trails.

(5) Recreational facilities that are accessible to the handicapped.

(6) Informal play and picnic areas.

(f) California's coast provides a great variety of recreational opportunities not found at inland sites and is heavily used because the state's major urban areas lie, and 85 percent of the state's population lives, within 30 miles of the Pacific Ocean. A shortage of facilities for almost every popular coastal recreational activity exists, and there will be a continuing high demand for popular coastal activities such as fishing, swimming, sightseeing, general beach use, camping, and day use.

(g) Cities, counties, and districts have to exercise constant vigilance to see that the parks, beaches, recreation areas and recreational facilities, schoolsites used for recreational purposes, and historical resources they now have are not lost to other uses. They should acquire additional lands as those lands become available, should take steps to improve the facilities they now have, and should adequately operate and maintain their existing and proposed systems for the enjoyment of present and future generations of persons of all income levels, all ages, and all social groups.

(h) Past and current funding programs have not and cannot meet present deficiencies. This condition has become more acute as a result of restrictions on local governmental revenues. There is a need to give

priority to further recreational development that can serve expanding recreational needs, produce operating revenues, and, in some cases, stimulate private sector jobs. In view of the present revenue shortages, and the increasing recreational demands, that priority is most important at this time.

(i) There is a need for additional wildland fire protection to protect the varied natural resources in the state.

(j) In view of the foregoing, the Legislature declares that an aggressive, coordinated, funded program for meeting existing and projected recreational demands has to be implemented without delay.

5096.303. The Legislature further finds and declares all of the following:

(a) The Lake Tahoe region contains unique and irreplaceable resources of state and national significance which, by virtue of the special conditions and circumstances of the region's natural ecology, developmental pattern, population distribution, and human needs, are seriously threatened with rapid deterioration or degeneration which endangers the natural beauty, water quality, public recreational opportunities, and economic health and productivity of the region.

(b) Past and current funding programs are insufficient to address the resource protection and public use needs in the Lake Tahoe region.

(c) In view of the foregoing, the Legislature declares that a coordinated and funded program be implemented to address Lake Tahoe region problems without delay.

5096.304. As used in this chapter, the following terms have the following meanings:

(a) "Coastal resources" means those land and water areas within the coastal zone, as defined in subdivisions (a) and (b) of Section 31006, and within the Santa Monica Mountains Zone, as described in Section 33105, which are suitable for public park, beach, or recreational purposes, including, but not limited to, areas of historical significance and areas of open space that complement park, beach, or recreational areas, or which are suitable for the preservation of coastal resource values.

(b) "Committee" means the Park, Recreation, and Wildlife Enhancement Program Finance Committee created pursuant to Section 5096.352.

(c) (1) "District" means any regional park district formed pursuant to Article 3 (commencing with Section 5500) of Chapter 3 and any recreation and park district formed pursuant to Chapter 4 (commencing with Section 5780). With respect to any area which is not included within a regional park district or a recreation and park district and in which no city or county provides parks or recreational areas or facilities, "district" also means any other district which is authorized by statute to operate and manage parks or recreational areas or facilities, employs a full-time park and recreation employee responsible for directing recreation activities and park operations for the district, offers year-round park and recreation services on lands and facilities owned by the district, and allocates a substantial portion of its annual operating budget to parks or recreation areas or facilities.

A county service area which is formed for the specific purpose of providing park and recreation services or which meets the conditions in this subdivision is a district for purposes of paragraph (1) of subdivision (a) of Section 5096.310.

(2) A district which does not meet the definition of paragraph (1) is eligible to apply for funds specified in paragraph (4) of subdivision (a) of Section 5096.310 if the district is authorized by statute to operate and manage parks or recreational areas or facilities, employs a full-time park and recreation employee responsible for directing recreation activities and park operation for the district, offers year-round park and recreation services on lands and facilities owned by the district, and allocates a substantial portion of its annual operating budget to parks or recreation areas or facilities.

(3) A joint powers entity which is formed for the purpose of planning, acquiring, improving, operating, and maintaining open space and park land, with the approval of a member agency, may apply on behalf of that member agency for funds specified in subdivision (a) of Section 5096.310 and may expend those funds.

(d) "Fund" means the Park, Recreation, and Wildlife Enhancement Bond Fund of 1990 created pursuant to Section 5096.310.

(e) "Historical resource" includes, but is not limited to, any building, structure, site, area, or place which is historically or archaeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California.

(f) "Historical resource preservation project" is a facility or project designed to preserve an historical resource which is either listed, or determined eligible for listing, in the National Register of Historic Places, or is registered as either a state historical landmark or point of historical interest pursuant to Section 5021 and which meets National Register criteria.

(g) "Inland resources" means those land and water areas not

included in the definition of coastal resources.

(h) "Lake Tahoe region" means the area described in Section 66905.5 of the Government Code.

(i) "Museum" means an organized and permanent nonprofit institution, essentially educational or aesthetic in purpose, with professional staff, which utilizes tangible objects, cares for them, and exhibits them to the public on some regular schedule.

(j) "Nonprofit organization" means any charitable organization described in Section 501(c) of the federal Internal Revenue Code.

(k) "Program" means the Park, Recreation, and Wildlife Enhancement, Acquisition, and Development Program of 1990 which is established by this chapter.

(l) "Regional entity" means an organization formed by a joint powers agreement by a majority of the counties and cities within one or more littoral cells which has, as its primary goal, the protection, preservation, and restoration of the shoreline.

(m) "Sacramento-San Joaquin Delta" means those land and water areas defined in Section 12200 of the Water Code.

(n) "Stewardship" means projects for the protection, rehabilitation, restoration, and enhancement of cultural resources, basic natural systems, and outstanding scenic features of the state park system. It does not mean the maintenance, alteration, or provision of mitigation of facilities, developments, or of any physical installations whose original purpose was not the protection of the cultural, natural, and scenic resources.

(o) "State museum" means an existing museum which is owned and operated by the State of California.

(p) "Urban corridor greenbelt" means a landscaped strip of land, of at least one mile in length, which is located in a primarily residential and urbanized area. Existing streets may intersect an urban corridor greenbelt.

5096.305. As used in this chapter, and for purposes of the State General Obligation Bond Law (Chapter 4 (commencing with Section 16720) of Part 3 of Division 4 of Title 2 of the Government Code), "state grant" or "state grant moneys" means moneys received by the state from the sale of bonds authorized by this chapter which are available for grants to counties, cities, districts, and nonprofit organizations.

Article 2. Park, Recreation, and Wildlife Enhancement, Acquisition, and Development Program of 1990

5096.310. The proceeds of the bonds issued and sold pursuant to this chapter shall be deposited in the Park, Recreation, and Wildlife Enhancement Bond Fund of 1990, which is hereby created. All moneys deposited in the fund is available for appropriation in the manner set forth in Section 5096.311 or 5096.312, as the case may be, for the purposes set forth below in amounts not to exceed the following:

(a) For local assistance grants and related state administrative costs, in accordance with the following schedule:..... \$182,000,000
Schedule:

(1) Seventy million dollars (\$70,000,000) for allocation to counties, cities, and districts on the basis of population.

(2) Twenty million dollars (\$20,000,000) for allocation pursuant to the Roberti-Z'berg-Harris Urban Open-Space and Recreation Program Act (Chapter 3.2 (commencing with Section 5620)).

(3) Eight million dollars (\$8,000,000) for historical resource preservation projects.

(4) Twenty-seven million dollars (\$27,000,000) for hiking, bicycling, jogging, and equestrian trails, and urban corridor greenbelts.

(5) Seventeen million dollars (\$17,000,000) for cooperative museum projects and for zoos and aquariums.

(6) Forty million dollars (\$40,000,000) for urban river and waterfront parks.

(b) For the acquisition, development, rehabilitation, and restoration of real property for the state park system, in accordance with the following schedule:..... \$108,000,000
Schedule:

(1) Twenty-five million (\$25,000,000) for the acquisition of real property.

(2) Eighty-three million dollars (\$83,000,000) for the development, rehabilitation, or restoration of real property, including planning and implementation, in accordance with the following schedule:

- (A) Twenty-seven million dollars (\$27,000,000) for coastal resources.
- (B) Twenty-five million dollars (\$25,000,000) for inland resources and for lakes, reservoirs, and waterways.
- (C) One million dollars (\$1,000,000) for interpretive facilities for volunteer programs.
- (D) Eight million dollars (\$8,000,000) for historical resources.
- (E) Two million dollars (\$2,000,000) for trails.
- (F) Seven million dollars (\$7,000,000) for stewardship projects and restoration and rehabilitation necessitated by natural disasters.
- (G) Thirteen million dollars (\$13,000,000) for state museums and interpretive facilities.

(c) For the acquisition and development of winter recreation facilities by the Department of Parks and Recreation pursuant to the SNO-PARK program (Chapter 1.27 (commencing with Section 5091.01))	\$1,000,000
(d) For the acquisition, development, enhancement, restoration, protection, or rehabilitation of real property benefiting fish and wildlife by the Wildlife Conservation Board	\$27,000,000
(e) For the acquisition, development, enhancement, and restoration of real property in the Lake Tahoe region by the California Tahoe Conservancy	\$11,000,000
(f) For acquisition, development, enhancement, and restoration in accordance with Division 21 (commencing with Section 31000), by the State Coastal Conservancy	\$15,000,000
(g) For the acquisition, development, and enhancement of land by the Santa Monica Mountains Conservancy	\$10,000,000
(h) For grants to local public agencies and nonprofit organizations by the Department of Water Resources for urban stream restoration projects	\$2,000,000
(i) For shoreline stabilization projects, for the development of nonmotorized recreational boating access facilities, and for loans for marinas by the Department of Boating and Waterways	\$6,000,000
(j) For the development or rehabilitation of park and other visitor serving facilities in Capitol Park by the Department of General Services	\$1,000,000
(k) For the development, rehabilitation, or restoration of facilities at metropolitan museums	\$18,000,000
(l) For acquiring land for, developing, and equipping a Lake Tahoe research and public education center by public institutions of higher learning in California, and for planning and administrative costs incurred in connection therewith	\$5,000,000
(m) For the acquisition, development, restoration, and enhancement of land by the Department of Forestry and Fire Protection	\$6,000,000
(n) For site acquisition, facilities rehabilitation, and capital improvements by the Department of Forestry and Fire Protection	\$25,000,000
(o) Unallocated Account	\$20,000,000

5096.311. (a) Proposed appropriations for the program shall be included in a section in the Budget Bill for consideration by the Legislature and shall bear the caption "Park, Recreation, and Wildlife Enhancement Acquisition and Development Program of 1990." The section shall contain separate items for each project, each class of projects, or each element of the program for which an appropriation is

(b) All of the funds allocated pursuant to paragraphs (1) and (2) of subdivision (a) of Section 5096.310 shall be available for appropriation in the Budget Act for the 1991-92 fiscal year. The amounts allocated pursuant to paragraphs (3) to (6), inclusive, of subdivision (a) of Section 5096.310 shall be available for appropriation in the Budget Bill for the 1992-93 fiscal year.

(c) All appropriations shall be subject to all limitations enacted in the Budget Act and to all fiscal procedures prescribed by law with respect to the expenditure of state funds, unless expressly exempted from those laws by a statute enacted by the Legislature. Those sections shall contain proposed appropriations only for the program elements and classes of projects contemplated by this chapter, and no funds derived from the bonds authorized by this chapter may be expended pursuant to an appropriation not contained in those sections of the Budget Act.

5096.312. (a) Commencing with the Budget Bill for the 1999-2000 fiscal year, the balances remaining in the fund may be appropriated by the Legislature for expenditure, without regard to the maximum amounts allocated to each element of the program, for any element of the program specified in Section 5096.310, or any class of projects within those elements, that the Legislature deems to be of the highest priority.

(b) Notwithstanding subdivision (a), commencing with the Budget Act for the 1997-98 fiscal year, any balances remaining in the fund and available to the Wildlife Conservation Board for the program specified in subdivision (d) of Section 5096.310, but not then appropriated, shall be transferred to the Wildlife Restoration Fund and shall be available for appropriation to the board, without regard to the maximum amounts allocated to each element of the program, for any element of the program specified in subdivision (d) of Section 5096.310.

Article 3. Local Assistance Grants

5096.320. (a) The state grant moneys authorized by paragraph (1) of subdivision (a) of Section 5096.310 shall be allocated to counties, cities, and districts on the basis of their populations, as determined by the Department of Parks and Recreation in cooperation with the Department of Finance on the basis of the most recent verifiable census data and other population data as the Department of Parks and Recreation may require to be furnished by any county, city, or district.

(b) Forty percent of the total funds available for grants shall be allocated to counties and regional park, open-space, or park and open-space districts formed pursuant to Chapter 3 (commencing with Section 5500) on or before April 30, 1991. Each county's allocation shall be in the same ratio as the county's population is to the state's total population, except that each county is entitled to a minimum allocation of one hundred fifty thousand dollars (\$150,000). In any county that embraces all or part of the territory of a regional park, open-space, or park and open-space district whose board of directors is not the county board of supervisors, the amount allocated to the county shall be apportioned between the county and the regional district in proportion to the population of the county that is included within the territory of the regional district and the population of the county that is outside the territory of the regional district.

For purposes of this subdivision, the City and County of San Francisco is a county.

(c) (1) Sixty percent of the total funds available for grants shall be allocated to cities and districts, other than regional park, open-space, or park and open-space districts. Each city's and each district's allocation shall be in the same ratio as the city's or district's population is to the combined total of the state's population that is included in incorporated areas and in unincorporated areas within the districts, except that each city or district is entitled to a minimum allocation of thirty thousand dollars (\$30,000). In any instance in which the boundary of a city overlaps the boundary of a district, the population in the area of overlapping jurisdiction shall be attributed to each jurisdiction in proportion to the extent to which each operates and manages parks and recreational areas and facilities for that population. In any instance in which the boundary of a city overlaps the boundary of a district, and in the area of overlap the city does not operate and manage park and recreation areas and facilities, all grant funds shall be allocated to the district.

(2) Each city and other district whose boundaries overlap, shall develop a specific plan for allocating the grant funds in accordance with the formula specified in paragraph (1). If, by March 1, 1991, the plan has not been agreed to by the affected jurisdictions and submitted to the Department of Parks and Recreation, the department shall determine the allocation of the grant funds among the affected jurisdictions.

(3) For purposes of this subdivision, the City and County of San Francisco is a city.

5096.321. The state grant moneys authorized in paragraph (1) of subdivision (a) of Section 5096.310 may be expended by the recipient for any of the following purposes, or any combination thereof:

(a) The development, rehabilitation, improvement, or restoration of all of the following:

- (1) Deteriorated roads, utilities, and other structures and facilities within existing parks and recreational areas.
- (2) Neighborhood, community, and regional parks.
- (3) Beaches and public accessways to beaches.

- (4) Historical or archaeological sites and historic structures.
- (5) Recreational areas and facilities.
- (6) Hiking, bicycling, jogging, and equestrian trails.
- (7) Museums.
- (8) Campgrounds.

(b) The procurement of development rights and scenic easements in connection with any acquisition made for any purpose specified in paragraphs (2) to (6), inclusive, of subdivision (a), as long as the right or easement directly enhances the enjoyment or usefulness of the acquisition.

(c) The acquisition of land for park, open space, beach, recreational, or historical preservation purposes.

5096.323. Funds authorized for local assistance grants, for the Roberti-Z'berg-Harris Urban Open-Space and Recreation Program Act (Chapter 3.2 (commencing with Section 5620)), pursuant to paragraph (2) of subdivision (a) of Section 5096.310 may be expended, notwithstanding Section 5627, only for the acquisition, development, rehabilitation, or restoration of parks, beaches, open-space lands, recreational trails, or recreational facilities and areas, and for the development rights or scenic easements in connection with those acquisitions.

5096.324. Funds authorized in paragraph (3) of subdivision (a) of Section 5096.310 shall be administered by the State Office of Historic Preservation and shall be available as grants on a competitive basis to cities, counties, districts, and nonprofit organizations for the acquisition, development, rehabilitation, or restoration of historical resources and for historical resource preservation projects. The maximum amount of each grant shall not exceed one million dollars (\$1,000,000). An individual jurisdiction may enter into an agreement with a nonprofit organization for the purpose of carrying out a grant, subject to the requirements of subdivision (d) of Section 5096.333. Notwithstanding Section 5096.337, an amount not to exceed 5 percent of the allocation made by paragraph (3) of subdivision (a) of Section 5096.310 may be used for actual costs incurred in connection with the administration of the historical grants. To be eligible for funding, each project shall meet the preservation standards established by the State Office of Historic Preservation for the California Park and Recreation Facilities Act of 1984 (Chapter 1.691 (commencing with Section 5096.225)) and the California Wildlife, Coastal, and Park Land Conservation Act (Division 5.8 (commencing with Section 5900)). Not less than one million dollars (\$1,000,000) of the amount authorized in paragraph (3) of subdivision (a) of Section 5096.310 shall be available only for the acquisition and preservation of archaeological resources, including Native American rock art and inscriptions.

5096.325. (a) Not more than twenty million dollars (\$20,000,000) of the funds authorized in paragraph (4) of subdivision (a) of Section 5096.310 shall be available, upon appropriation by the Legislature, as grants on a competitive basis to cities, counties, and districts for the acquisition and development of urban corridor greenbelts for walking, bicycling, jogging trails, and landscaped scenic areas. An eligible city, county, or district may submit an application for a grant to the Department of Parks and Recreation. The department shall evaluate the application and, after approval by the State Park and Recreation Commission, submit its recommendations to the Legislature. If the right-of-way for the proposed corridor has previously been used as a transportation corridor, the department shall request the California Transportation Commission to review and comment on the transportation impact of eliminating the availability of the land for transportation purposes. The California Transportation Commission's comments shall be incorporated into the department's recommendations to the Legislature. Funds shall be allocated to cities, counties, and districts pursuant to subsequent legislation appropriating the funds. No individual city, county, or district may receive more than 35 percent of the funds authorized by this subdivision.

(1) A recipient is not required to vacate or abandon existing streets which intersect the proposed urban corridor greenbelt, but shall agree that no new intersections will be constructed through that urban corridor greenbelt.

(2) A recipient may convey an easement in land which underlies an urban corridor greenbelt that the recipient may possess, for either or both of the following purposes:

- (A) Public transit use.
- (B) Public utility use.

(3) Grants shall be made on the basis of 50 percent state funds and 50 percent local matching funds or property donated to be part of the project. The grant recipient shall certify to the Department of Parks and Recreation that there is available, or will become available prior to the commencement of any work on the project, matching funds or property in the amount required for the completion of the project from a source other than this chapter. Certification of the source and amount or value shall be set forth in the application.

(b) The remainder of the funds authorized in paragraph (4) of subdivision (a) of Section 5096.310 shall be available as grants on a competitive basis to cities, counties, districts, and nonprofit organizations for the development, improvement, or rehabilitation of hiking, bicycling, jogging, and equestrian trails recognized in a local general plan, regional plan, master plan, or state plan. Not less than two million dollars (\$2,000,000) shall be allocated for the development, of regional recreational trail systems, located in metropolitan areas, that are designed to serve persons throughout the entire metropolitan area and that connect parks and open space and natural, educational, historical, and cultural resources.

5096.326. Not more than five million dollars (\$5,000,000) of the funds authorized in paragraph (5) of subdivision (a) of Section 5096.310 shall be available as grants on a competitive basis to cities, counties, and nonprofit organizations for the development, rehabilitation, or restoration of facilities accredited by the American Association of Zoological Parks and Aquariums and operated by cities, counties, and nonprofit organizations and to cities and counties for the development, rehabilitation, or restoration of zoos and aquariums operated by a city or county, but not accredited by the American Association of Zoological Parks and Aquariums. This program of development, rehabilitation, or restoration shall be known and may be cited as the Dr. Paul Chaffee Zoological Program. Priority in awarding grants pursuant to this subdivision shall be in accordance with the following order of preference:

(a) Facilities that have not been cited with an "Official Warning and Notification" for violations by the United States Department of Agriculture, or have been found by a court to have been in violation, within the preceding five years of provisions relating to the care, handling, or management of animals.

(b) Facilities that have been so cited for violations by the United States Department of Agriculture, or have been found by a court to have been in violation, of those provisions within the preceding five years, but do not have an alleged violation case or investigation pending against them.

(c) Facilities that are not currently in compliance with federal laws or regulations of the United States Department of Agriculture, but the grant may be expended only to correct deficiencies, for which the citation was issued, to the satisfaction of that department.

5096.328. (a) The funds authorized in paragraph (5) of subdivision (a) of Section 5096.310 and not granted for purposes of Section 5096.325 shall be available as grants on a competitive basis to cities, county and nonprofit organizations for the development or rehabilitation of real property consisting of cooperative museum projects.

(b) To be eligible for funding, a project shall initially be nominated by a Member of the Legislature for study by the Department of Parks and Recreation. The department shall study each project so nominated and, prior to the April 1 preceding the fiscal year for which funding is proposed to be appropriated, shall submit to the Legislature a prioritized listing and comparative evaluation of all projects nominated prior to the preceding July 1.

(c) In establishing priorities of cooperative museum projects, the department shall consider characteristics, including, but not limited to, all of the following:

(1) The project will interpret one or more important California historical, cultural, economic, or resource themes or an important historical, cultural, economic, technology, or resource theme in a major region of California. Higher priority shall be assigned to projects whose themes are not interpreted in any existing museum or have demonstrable deficiencies in their presentation in an existing museum.

(2) The project is proposed to be operated on lands that are already in public ownership or on lands that will be acquired and used for the project in conjunction with adjoining public lands.

(3) Projects which are closely related geographically to the resources, activity, structure, place, or collection of objects to be interpreted, and are close to population centers and access routes.

(4) Projects that are in, or close to, population centers or are adjacent to, or readily served by, a state highway or other mode of public transportation.

(5) Projects for which there are commitments, or the serious likelihood of commitments, of funds or the donation of land or other property suitable for the project.

(d) The Department of Parks and Recreation shall annually forward a list of the highest priority projects to the Department of Finance for inclusion in the Budget Bill.

(e) An application for a grant for a cooperative museum project shall be submitted jointly by the city, county, or nonprofit organization and another public agency, an institute of higher learning, or another nonprofit organization that cooperatively are operating, or will operate, the museum.

5096.329. (a) The funds specified in paragraph (6) of subdivision (a) of Section 5096.310 shall be available as grants on a competitive

basis to cities, counties, and districts for urban river and waterfront park projects.

(b) To be eligible for funding, a project shall initially be nominated by a Member of the Legislature for study by the Department of Parks and Recreation. The department shall study any project so nominated a prior to each fiscal year, shall submit to the Legislature a prioritized listing and comparative evaluation of all projects nominated during the preceding year.

(c) In establishing priorities of these projects pursuant to subdivision (b), the department shall consider characteristics, including, but not limited to, all of the following:

(1) The project is a regional facility which will serve an urbanized population.

(2) The project will provide utilization of a river, major tributary to a river, or waterfront park.

(3) The project will promote the expanded use of existing recreational units.

(4) If the project is for the acquisition of land, the acquisition is necessary to ensure completion of a master, conceptual, or general plan.

5096.330. (a) After one or more public hearings, the Department of Parks and Recreation shall adopt criteria and procedures to clarify or amplify the statutory criteria for evaluating applications for competitive grants specified in paragraphs (5) and (6) of subdivision (a) of Section 5096.310. The department shall not commence the hearings sooner than 30 days following submittal to the Joint Legislative Budget Committee, the standing committees of each house of the Legislature having jurisdiction over parks and recreation, and the fiscal committees of each house. The criteria and procedures shall not become effective until approved by the Secretary of the Resources Agency.

(b) The department may, as needed, and in accordance with the procedures specified in subdivision (a), revise existing criteria and procedures for evaluating applications for competitive grants specified in paragraphs (3) and (4) of subdivision (a) of Section 5096.310. All new, revised, and existing criteria shall be broadly disseminated.

5096.331. (a) Individual applications for local assistance grants pursuant to this article shall be submitted to the Department of Parks and Recreation for approval as to conformity with the requirements of this chapter. Except for an application for a grant under paragraph (3) or (5) of subdivision (a) of Section 5096.310, the application shall be accompanied by certification from the planning agency of the applicant that the project for which the grant is applied is consistent with the park and recreation element of the applicable city or county's general plan or the district's park and recreation plan and will satisfy a high priority need. In order to utilize available grant funds as effectively as possible, overlapping or adjoining jurisdictions are encouraged to combine projects and submit a joint application.

(b) With the exception of grants provided under paragraphs (1), (2), and (4) of subdivision (a) of Section 5096.310, the minimum amount that may be applied for any individual project is twenty thousand dollars (\$20,000).

(c) Every application for a grant shall comply with the California Environmental Quality Act (Division 13 (commencing with Section 21000)).

(d) Upon completion of the review of applications submitted pursuant to subdivision (a), projects recommended for approval shall be forwarded to the Director of Finance for inclusion in the Budget Bill.

(e) Any amount granted on a competitive basis pursuant to this article shall be in addition to, and not in lieu of, any other grant to which the applicant jurisdiction may be entitled to pursuant to this chapter or other funds that may also be used for the purpose for which the grant is applied for.

5096.333. (a) No state grant moneys authorized under subdivision (a) of Section 5096.310 may be disbursed until the applicant agrees that any property acquired, developed, rehabilitated, or restored with the funds will be used by the applicant only for the purpose for which the funds were requested, and that no other use, sale, or other disposition of the property is permitted except by a specific act of the Legislature. If the use of the property is changed to one other than permitted under the paragraph of subdivision (a) of Section 5096.310 from which the funds were appropriated, or the property is sold or otherwise disposed of, an amount equal to the amount of the grant or equal to the fair market value of the real property, or portion thereof, acquired, developed, rehabilitated, or restored with the grant, whichever is greater, shall be used by the city, county, or district for a purpose authorized in that paragraph or shall be reimbursed to the fund for a purpose authorized in that paragraph.

(b) No state grant moneys authorized under subdivision (a) of Section 5096.310 may be disbursed unless the applicant agrees to maintain and operate the property acquired, developed, rehabilitated, or restored pursuant to this chapter for a period commensurate with the

type of project and the proportion of state grant moneys and local funds allocated to the capital costs of the project.

(c) Funds appropriated for local assistance grants pursuant to subdivision (a) of Section 5096.310 shall be encumbered by the recipient within three years of the date when the appropriation becomes effective, regardless of the date when each project was recommended for approval pursuant to subdivision (d) of Section 5096.331.

(d) State grant moneys granted pursuant to subdivision (a) of Section 5096.310 may be expended for development, rehabilitation, or restoration only on lands owned by, or subject to a lease or other interest held by, the applicant. If those lands are not owned by the applicant, the applicant shall first demonstrate to the satisfaction of the Department of Parks and Recreation that the development, rehabilitation, or restoration will provide benefits commensurate with the type and duration of interest in land held by the applicant.

5096.334. In awarding grants, the Department of Parks and Recreation shall give special consideration to projects for the modification or rehabilitation of existing real property used for park, beach, recreation, museum, and historical resource purposes, to make the property more accessible to the handicapped.

5096.335. To the greatest extent possible, grants made pursuant to paragraphs (3), (4), (5), and (6) of subdivision (a) of Section 5096.310 shall each be allocated on an equal geographic basis.

5096.336. All grant funds provided in subdivision (a) of Section 5096.310 shall be on a reimbursement basis with the local agency receiving reimbursement up to the approved grant amount upon completion of the project. The Department of Parks and Recreation may provide for reimbursement on an incremental basis.

5096.337. Actual state costs incurred in connection with administering the grant programs authorized in subdivision (a) of Section 5096.310 shall be paid from the funds authorized therefor, but not more than 1.5 percent of the total amount available pursuant to subdivision (a) of Section 5096.310 may be so used.

Article 4. State Park System

5096.340. The Legislature recognizes that public financial resources are inadequate to meet all capital outlay needs of the state park system and that many units have facilities which are over 40 years old and heavy use has deteriorated these facilities, requiring funds for rehabilitation to make these facilities available for public use. The Legislature further recognizes that the development of recently acquired units of the state park system has proceeded at a rate that has prevented their full potential for public use from being realized. Accordingly, it is declared to be the policy of the state that funds allocated pursuant to subdivision (b) of Section 5096.310 shall be appropriated primarily for projects that accomplish the following:

(a) Serve metropolitan population centers and accommodate day-use and weekend-overnight visits.

(b) Provide for the development of existing units with the minimum facilities necessary for accessibility, use, and interpretation.

(c) Rehabilitate facilities at existing units that will provide for more efficient management and reduced operational costs.

(d) Minimize dependence on motor vehicles and reduce other forms of energy and water consumption through appropriately designed facilities.

(e) Acquire those lands which will lead to the completion of ongoing projects, including those begun under the California Wildlife, Coastal, and Park Land Conservation Act of 1988 (Proposition 70) approved by the California voters at the June 7, 1988, direct primary election.

(f) Preserve examples of historical resources, natural resources, and natural landscapes that are underrepresented in the state park system.

5096.341. (a) Any Member of the Legislature, the State Park and Recreation Commission, or the California Coastal Commission or the Secretary of the Resources Agency may nominate any project to be funded under this article for study by the Department of Parks and Recreation. The State Park and Recreation Commission shall nominate projects after holding at least one public hearing to seek project proposals from individuals, citizen groups, the Department of Parks and Recreation, and other public agencies. Any of the commissions shall make nominations by a vote of its membership.

(b) The Department of Parks and Recreation shall study any nominated project. In addition to the procedures required by Section 5006, the department shall submit annually to the Legislature and to the Secretary of the Resources Agency a report consisting of a prioritized listing and comparative evaluation of all projects nominated for study, in accordance with the following schedule:

(1) March 1, 1991, for projects nominated prior to January 1, 1991.

(2) November 1, 1991, for projects nominated prior to June 30, 1991, and after January 1, 1991.

(3) November 1, 1992, and each November 1 thereafter, for projects nominated during the 12 months ending June 30, 1992, and each June 30 thereafter.

(c) Nominated projects shall be subject to the favorable recommendation of the State Park and Recreation Commission and approved by the Secretary of the Resources Agency and forwarded by the secretary to the Director of Finance for inclusion in the Budget Bill.

5096.342. In the allocation of funds pursuant to subdivision (b) of Section 5096.310, added consideration shall be given to projects in areas previously underserved by the state park system.

5096.343. Acquisition for the state park system by purchase or by eminent domain shall be made pursuant to the Property Acquisition Law (Part 11 (commencing with Section 15850) of Division 3 of Title 2 of the Government Code).

5096.344. Funds allocated for acquisition for the state park system pursuant to paragraph (1) of subdivision (b) of Section 5096.310 may be expended only for acquisitions inside the boundaries of existing projects or units of the state park system, as additions to existing projects or units, and for new projects, except that not more than eleven million two hundred fifty thousand dollars (\$11,250,000) shall be available for new projects and not more than six million dollars (\$6,000,000) may be expended for any single project or unit.

5096.345. Funds allocated for coastal resources in subparagraph (A) of paragraph (2) of subdivision (b) of Section 5096.310 shall be allocated for the land and water areas constituting coastal resources in a manner that will achieve the broadest geographic distribution along the coast and in the San Francisco Bay region, while considering priority of need for each project.

5096.346. Funds allocated pursuant to subparagraph (B) of paragraph (2) of subdivision (b) of Section 5096.310 shall be available for inland resources and lakes, reservoirs, and waterways within the state park system, including State Water Facilities, as defined in paragraphs (1) to (4), inclusive, of subdivision (d) of Section 12934 of the Water Code, within the state park system.

5096.347. Funds allocated pursuant to subparagraph (C) of paragraph (2) of subdivision (b) of Section 5096.310 shall be available for interpretive facilities that support volunteer community action programs for the state park system.

5096.348. (a) Priority for the expenditure of funds allocated pursuant to subparagraph (C) of paragraph (2) of subdivision (b) of Section 5096.310 shall be for the completion or expansion of interpretive facilities and state museum projects that are included in a general plan, master plan, or feasibility study for a unit of the state park system.

(b) All historic resource preservation projects for the state park system funded pursuant to subparagraph (D) of paragraph (2) of subdivision (b) of Section 5096.310 shall meet the preservation standards established by the State Office of Historic Preservation for the California Park and Recreation Facilities Act of 1984 (Chapter 1.691 (commencing with Section 5096.225)) and the California Wildlife, Coastal, and Park Land Conservation Act (Division 5.8 (commencing with Section 5900)).

5096.350. In making expenditures in the various specific allocation categories of paragraph (2) of subdivision (b) of Section 5096.310, at least five million dollars (\$5,000,000) shall be spent for the development or rehabilitation of campgrounds in the state park system, including camper-serving facilities, common areas, and natural features within campgrounds.

5096.351. Funds allocated pursuant to subparagraph (E) of paragraph (2) of subdivision (b) of Section 5096.310 shall be available for the development or rehabilitation of trails within the state park system or connecting units of the state park system.

5096.352. (a) Of the amount allocated pursuant to subparagraph (F) of paragraph (2) of subdivision (b) of Section 5096.310, five million dollars (\$5,000,000) shall be available for stewardship projects that provide protection of the most critical cultural natural and scenic features of the state park system and two million dollars (\$2,000,000) for restoration and rehabilitation necessitated by natural disasters.

(b) The two million dollars (\$2,000,000) allocated for natural disasters is continuously appropriated to the Department of Parks and Recreation for natural disaster damage sustained in a Governor declared natural disaster and shall be available for expenditure following notification and approval of projects by the Department of Finance and following 30 days from notification in writing of the necessity therefor to the Chairperson of the Joint Legislative Budget Committee. Projects over two hundred fifty thousand dollars (\$250,000) shall also require approval from the State Public Works Board.

(c) Work efforts for natural heritage stewardship purposes may include, but are not limited to, objectives such as the control of major erosion and geologic hazards, the restoration and improvement of critical plant and animal habitat, the control and elimination of exotic species encroachment, and the stabilization of coastal dunes and bluffs. Those work efforts shall not include activities which merely supplement normal state park system operations or which are usually funded from other sources.

(d) Work efforts for cultural heritage stewardship purposes may include, but are not limited to, stabilization and protection of historic and archaeological resources in the state park system. Those resources may include sites, features, ruins, archaeological deposits, historic landscape resources, and rock art features making up the physical legacy of California's past. These work efforts do not include rehabilitation, restoration, reconstruction, interpretation, or mitigation typically required as part of the facility development program.

Article 5. Miscellaneous Provisions

5096.360. Funds allocated pursuant to subdivision (d) of Section 5096.310 shall be available for expenditure by the Wildlife Conservation Board pursuant to the Wildlife Conservation Law of 1947 (Chapter 4 (commencing with Section 1300) of Division 2 of the Fish and Game Code) for the following particular purposes:

(a) Ten million dollars (\$10,000,000) for the acquisition, in fee or perpetual conservation easements, enhancement, or development of habitat for wildfowl or other wildlife benefited by a marsh environment for the purpose of carrying out the Central Valley Habitat Joint Venture Component of the North American Waterfowl Management Plan. However, strong preference shall be given to projects involving acquisition of perpetual conservation easements or habitat development.

(b) Seventeen million dollars (\$17,000,000) for the acquisition, enhancement, restoration, or protection of any of the following:

(1) Critical wildlife habitat.

(2) Lands or waters for the threatened, endangered, or fully protected species or indicator species for specialized habitats, including acquisition along river corridors.

(3) Real property for wildlife-oriented public use projects.

(c) Notwithstanding subdivisions (a) and (b), up to one million dollars (\$1,000,000) may be allocated by the board for the construction of a center south of California along the migratory path of California bird species for the study of tropical biology, one of whose principal purposes is the conservation of habitat critical to the preservation of migratory bird species native to California.

5096.361. Funds allocated pursuant to subdivision (e) of Section 5096.310 shall be available for the expenditure for the acquisition, development, restoration, and enhancement of real property by the California Tahoe Conservancy within the Lake Tahoe region pursuant to Title 7.42 (commencing with Section 66905) of the Government Code and for administrative costs incurred therewith, for the following purposes:

(a) Protecting the natural environment through soil erosion control, restoration or enhancement of environmentally sensitive lands, and restoration of streams and other natural areas.

(b) Providing public access and public recreation projects.

(c) Enhancing wildlife areas.

(d) Consolidating lands for their more effective management as a unit.

5096.362. Funds allocated pursuant to subdivision (f) of Section 5096.310 shall be available for the purposes of Division 21 (commencing with Section 31000), and for administrative costs incurred in connection with these purposes.

5096.363. Funds allocated pursuant to subdivision (g) of Section 5096.310 shall be available for expenditure for acquisition, development, and enhancement of lands by the Santa Monica Mountains Conservancy and related state administrative costs, pursuant to, and consistent with the purposes of, Division 23 (commencing with Section 33000).

5096.364. Funds allocated pursuant to subdivision (h) of Section 5096.310 shall be available for grants to local public agencies and nonprofit organizations by the Department of Water Resources for the acquisition or restoration of natural lands that contain urban streams, creeks, and riparian areas; for related state administrative costs, not to exceed one hundred thousand dollars (\$100,000), and for use by the Department of Water Resources to provide planning and design assistance to the local agencies and nonprofit organizations, in an amount not to exceed 10 percent of the amount available for grants in any fiscal year, in accordance with Section 7048 of the Water Code.

5096.365. (a) Funds allocated pursuant to subdivision (i) of Section 5096.310 shall be available for expenditure by the Department of Boating and Waterways for the following purposes and in the following amounts:

(1) Four million dollars (\$4,000,000) for shoreline stabilization projects on publicly owned land in accordance with Article 2.5 (commencing with Section 65) of Chapter 2 of Division 1 of the Harbors and Navigation Code.

(2) One million seven hundred fifty thousand dollars (\$1,750,000) for loans for marinas pursuant to Section 71.4 of the Harbors and Navigation Code.

(3) Two hundred fifty thousand dollars (\$250,000) for grants for the development of waterway public access facilities used primarily by

rafters, canoeists, tubers, and kayakers, in cooperation with other public agencies.

(b) When considering eligible shoreline stabilization projects under paragraph (1) of subdivision (a), nonstructural alternatives shall be in preference and structural alternatives shall only be funded if the Department of Boating and Waterways, in consultation with the California Coastal Commission and the appropriate county or city government, finds that nonstructural alternatives are not feasible.

5096.366. Funds allocated pursuant to subdivision (j) of Section 5096.310 shall be available for appropriation to the Department of General Services for the development or rehabilitation of park and other visitor serving facilities in Capitol Park, consisting of the landscaped areas bounded by L, 15th, N. and 9th streets in Sacramento. None of these funds may be expended for office space, or any other area not accessible to visitors, in any structure in Capitol Park or for exterior improvements to the State Capitol, the Jesse M. Unruh Building, or the Library and Courts Building.

5096.367. (a) Funds allocated pursuant to subdivision (k) of Section 5096.310 shall be appropriated to the Controller for disbursement, in accordance with the following schedule:

(1) Eight million dollars (\$8,000,000) to the California Academy of Sciences in San Francisco.

(2) Ten million dollars (\$10,000,000) to the Museum of Science and Industry in Los Angeles. Of the amount received by the Museum of Science and Industry under this section, the museum shall allocate one million five hundred thousand dollars (\$1,500,000) to the California Museum of Latino History, Art, and Culture for the purposes of Chapter 8.8 (commencing with Section 8740) of Division 1 of Title 2 of the Government Code. The remaining funds shall be used by the museum only for seismic rehabilitation.

(b) Funds allocated pursuant to subdivision (m) of Section 5096.310 shall be available for expenditure by the Department of Forestry and Fire Protection for the acquisition of adjacent parcels, consisting of approximately 2,480 acres, that are necessary for the management of the Demonstration State Forest System.

(c) Funds allocated pursuant to subdivision (o) of Section 5096.310 may be expended for any purpose specified in this chapter that the Legislature determines to be of the highest priority.

5096.368. Projects authorized for the purposes set forth in subdivision (b) of Section 5096.310 are subject to augmentation, as provided in Section 16352 of the Government Code, as limited by any provision of the Budget Act. The unexpended balance in any appropriation made payable from the fund which the Director of Finance, with the approval of the State Public Works Board, determines not to be required for expenditure pursuant to the appropriation, may be transferred on order of the Director of Finance to, and in augmentation of, the appropriation made in Section 16352 of the Government Code.

5096.369. The Department of General Services, if the Director of Parks and Recreation finds that the use would be compatible with the ultimate use of the real property as a unit, or part of a unit, of the state park system and with the sound management and conservation of resources within the unit, may make agreements with respect to any real property acquired pursuant to subdivision (b) of Section 5096.310 for the continued tenancy of the seller of the property for a period of time and under conditions that may be mutually agreed upon by the state and the seller so long as the seller promises to pay the taxes on his or her interest in the property that become due, owing, or unpaid on the interest created by the agreement, and so long as the seller conducts any operations on the land according to specifications issued by the appropriate director or officer to protect the property for the public use for which it was acquired. A copy of the agreement shall be filed with the county clerk in the county in which the property is located. The arrangement shall be compatible with the operation of the area by the state, as determined by the appropriate director or officer.

5096.370. All real property acquired pursuant to this chapter shall be acquired in compliance with Chapter 16 (commencing with Section 7260) of Division 7 of Title 1 of the Government Code. The Department of Parks and Recreation shall prescribe procedures sufficient to ensure compliance by local public agencies which receive funds under subdivisions (a) and (b) of Section 5096.310.

5096.371. For purposes of this chapter, acquisition may include gifts, purchases, leases, easements, the exercise of eminent domain if expressly authorized, the transfer or exchange of property for other property of like value, and purchases of development rights and other interests.

5096.372. All grants, gifts, devises, or bequests to the state, conditional or unconditional, for park, conservation, recreation, or other purposes for which real property may be acquired or developed pursuant to this chapter, may be accepted and received on behalf of the state by the appropriate departmental director with the approval of the Director of Finance. The grants, gifts, devises, or bequests shall be

available, when appropriated by the Legislature, for expenditure for the purposes specified in Section 5096.310.

5096.373. Real property acquired for the state park system shall consist predominantly of open or natural lands, including lands under water capable of being utilized for multiple recreational purposes, and lands necessary for the preservation of coastal or historical resources. No funds derived from the bonds authorized by this chapter shall be expended for the construction of any reservoir designated as a part of the "State Water Facilities," as defined in subdivision (d) of Section 12934 of the Water Code.

5096.374. (a) Prior to recommending the acquisition of lands that are located on or near tidelands, submerged lands, swamp or overflowed lands, or other wetlands, whether or not those lands have been granted in trust to a local public agency, the Director of Parks and Recreation shall submit to the State Lands Commission any proposal by a state or local public agency for the acquisition of those lands pursuant to this chapter. The State Lands Commission shall, within three months of submittal, review the proposed acquisition, make a determination as to the state's existing or potential interest in the lands, and report its findings to the public agency proposing to acquire the land, to the Department of Parks and Recreation, and to the Department of General Services.

(b) No provision of this chapter shall be construed as authorizing the condemnation of state lands.

5096.375. In furtherance of the intent expressed by the people in paragraphs (5) and (6) of subdivision (a) of Section 2796 of the Fish and Game Code, as enacted by the people at the June 5, 1990, direct primary election, expenditures from the Park, Recreation, and Wildlife Enhancement Bond Fund of 1990 may be credited toward required expenditures from the Habitat Conservation Fund pursuant to Section 2787 of the Fish and Game Code, but only to the extent those expenditures are for the purposes expressed in Sections 2786, 2787, and 2791 of the Fish and Game Code.

5096.376. Funds allocated pursuant to subdivision (n) of Section 5096.310 shall be available for expenditure by the Department of Forestry and Fire Protection for site acquisition, facilities, rehabilitation, and capital improvements.

Article 6. Fiscal Provisions

5096.380. Bonds in the total amount of four hundred thirty-seven million dollars (\$437,000,000), exclusive of refunding bonds, or so much thereof as is necessary, may be issued and sold to provide a fund to be used for carrying out the purposes expressed in this chapter and to be used to reimburse the General Obligation Bond Expense Revolving Fund pursuant to Section 16724.5 of the Government Code. The bonds, when sold, shall be and constitute a valid and binding obligation of the State of California, and the full faith and credit of the State of California is hereby pledged for the punctual payment of both principal of, and interest on, the bonds as the principal and interest become due and payable.

5096.381. The bonds authorized by this chapter shall be prepared, executed, issued, sold, paid, and redeemed as provided in the State General Obligation Bond Law (Chapter 4 (commencing with Section 16720) of Part 3 of Division 4 of Title 2 of the Government Code), and all of the provisions of that law apply to the bonds and to this chapter and are hereby incorporated in this chapter as though set forth in full in this chapter.

5096.382. (a) Solely for the purpose of authorizing the issuance and sale, pursuant to the State General Obligation Bond Law, of the bonds authorized by this chapter, the Park, Recreation, and Wildlife Enhancement Program Finance Committee is hereby created. For purposes of this chapter, the Park, Recreation, and Wildlife Enhancement Program Finance Committee is "the committee" as that term is used in the State General Obligation Bond Law. The committee consists of the Governor, the Controller, the Director of Finance, the Treasurer, and the Secretary of the Resources Agency, or their designated representatives. The Treasurer shall serve as chairperson of the committee. A majority of the committee may act for the committee.

(b) For purposes of the State General Obligation Bond Law, the Resources Agency is designated the "board."

5096.383. The committee shall determine whether or not it is necessary or desirable to issue bonds authorized pursuant to this chapter in order to carry out the actions specified in Section 5096.310, and, if so, the amount of bonds to be issued and sold. Successive issues of bonds may be authorized and sold to carry out those actions progressively, and it is not necessary that all of the bonds authorized to be issued be sold at any one time.

5096.384. There shall be collected each year and in the same manner and at the same time as other state revenue is collected, in addition to the ordinary revenues of the state, a sum in an amount required to pay the principal of, and interest on, the bonds maturing each year. It is the duty of all officers charged by law with any duty in regard to the collection of the revenue to do and perform each and every act which is

necessary to collect that additional sum.

5096.385. Notwithstanding Section 13340 of the Government Code, there is hereby appropriated from the General Fund in the State Treasury, for the purposes of this chapter, an amount that will equal the total of the following:

(a) The sum annually necessary to pay the principal of, and interest on, bonds issued and sold pursuant to this chapter, as the principal and interest become due and payable.

(b) The sum which is necessary to carry out the provisions of Section 5096.386, appropriated without regard to fiscal years.

5096.386. For the purposes of carrying out this chapter, the Director of Finance may authorize the withdrawal from the General Fund of an amount or amounts not to exceed the amount of the unsold bonds which have been authorized by the committee to be sold for the purpose of carrying out this chapter. Any amounts withdrawn shall be deposited in the fund. Any money made available under this section shall be returned to the General Fund, plus the interest that the amounts would have earned in the Pooled Money Investment Account, from the sale of bonds for the purpose of carrying out this chapter.

5096.387. The board may request the Pooled Money Investment Board to make a loan from the Pooled Money Investment Account, in accordance with Section 16312 of the Government Code, for the purposes of carrying out this chapter. The amount of the request shall not exceed the amount of the unsold bonds which the committee has, by resolution, authorized to be sold for the purpose of carrying out this chapter. The board shall execute any documents required by the Pooled Money Investment Board to obtain and repay the loan. Any amounts loaned shall be deposited in the fund to be allocated by the board in accordance with this chapter.

5096.388. All money deposited in the fund which is derived from premium and accrued interest on bonds sold shall be reserved in the fund and shall be available for transfer to the General Fund as a credit to expenditures for bond interest.

5096.389. The bonds may be refunded in accordance with Article 6 of the State General Obligation Bond Law. Approval by the voters of the state of the issuance of the bonds includes the approval of the issuance of any bonds issued to refund any bonds originally issued or any previously issued refunding bonds.

5096.390. Notwithstanding any provision of this chapter or the State General Obligation Bond Law, if the Treasurer sells bonds pursuant to this chapter that include a bond counsel opinion to the effect that the interest on the bonds is excluded from gross income for federal tax purposes, subject to designated conditions, the Treasurer may maintain separate accounts for the investment of bond proceeds and the investment earnings on those proceeds. The Treasurer may use or direct the use of those proceeds or earnings to pay any rebate, penalty, or other payment required under federal law or to take any other action with respect to the investment and use of bond proceeds required or desirable under federal law so as to maintain the tax-exempt status of those bonds and to obtain any other advantage under federal law on behalf of the funds of this state.

5096.391. The Legislature hereby finds and declares that, inasmuch as the proceeds from the sale of bonds authorized by this chapter are not "proceeds of taxes" as that term is used in Article XIII B of the California Constitution, the disbursement of these proceeds is not subject to the limitations imposed by that article.

Proposition 150: Text of Proposed Law

This law proposed by Assembly Bill 2180 (Statutes of 1990, Ch. 921) is submitted to the people in accordance with the provisions of Article XVI of the Constitution.

This proposed law adds sections to the Government Code; therefore, new provisions proposed to be added are printed in *italic type* to indicate that they are new.

PROPOSED LAW

SECTION 1. Chapter 5 (commencing with Section 23800) is added to Division 1 of Title 3 of the Government Code, to read:

CHAPTER 5. COUNTY COURTHOUSE FACILITY CAPITAL EXPENDITURE BOND ACT OF 1990

Article 1. General Provisions

23800. This chapter shall be known and may be cited as the County Courthouse Facility Capital Expenditure Bond Act of 1990.

23801. The Legislature finds and declares all of the following:

(a) Counties have been unable to provide sufficient courtrooms to meet the demands placed on their courts.

(b) Numerous county courthouse facilities throughout California are approaching dilapidation or lack adequate security features.

(c) Capital improvements are necessary to protect the life and safety of judges, court personnel, and the public at large.

(d) County courthouse facilities must be expanded in order to alleviate the case processing delays that are undermining our judicial system.

(e) Due to fiscal constraints associated with the loss of local property tax revenues, counties are unable to finance the construction of adequate courthouse facilities.

(f) Local courthouse facilities are operating over capacity and the caseload is still increasing at a rapid rate. It is essential to our legal system that construction of new facilities proceed as expeditiously as possible to facilitate a speedy judicial process and maintain public confidence in our judicial system.

23802. As used in this chapter, the following terms have the following meanings:

(a) "Committee" means the County Courthouse Facility Capital Expenditure Finance Committee created pursuant to Section 23822.

(b) "Fund" means the 1990 County Courthouse Facility Capital Expenditure Bond Fund created pursuant to Section 23810.

(c) "County courthouse facilities" means county judicial facilities, including facilities for the adjudication of criminal and civil trials and the hearing of cases involving juveniles.

Article 2. County Courthouse Facility Capital Expenditure Program

23810. The proceeds of bonds issued and sold pursuant to this chapter shall be deposited in the 1990 County Courthouse Facility Capital Expenditure Bond Fund which is hereby created.

23811. (a) Moneys in the fund shall be available, upon

appropriation, for the construction, reconstruction, remodeling, and the replacement of county courthouse facilities, and the performance of deferred maintenance on county courthouse facilities. However, deferred maintenance for facilities shall only include items with a useful life of at least 10 years.

(b) Expenditure shall be made only if county matching funds of 25 percent are provided as determined by the Legislature, except that this requirement may be modified or waived by the Legislature when determined necessary to facilitate the expeditious and equitable construction of local courthouse facilities.

23812. In order to be eligible to receive funds for the purposes specified in subdivision (a) of Section 23811 derived from the issuance of bonds under this title, a county shall do all of the following:

(a) Diligently maintain and report those statistics as may be reasonably required by the Judicial Council, and also develop a plan for the reduction of trial court delays. A county need not develop such a plan if it is already participating in a program under the Trial Court Delay Reduction Act of 1986 (Article 5 (commencing with Section 68600) of Chapter 2 of Title 8 of the Government Code).

(b) Demonstrate that it does not have adequate facilities for the courts to expeditiously and safely carry out their responsibilities.

(c) Demonstrate that it has utilized, to the greatest practicable extent, available local financing for courthouse construction.

23813. Money in the fund may only be expended for projects specified in this chapter as allocated in appropriations made by the Legislature.

Article 3. Fiscal Provisions

23820. Bonds in the total amount of two hundred million dollars (\$200,000,000), or so much thereof as is necessary, may be issued and sold to provide a fund to be used for carrying out the purposes expressed in this chapter and to be used to reimburse the General Obligation Bond Expense Revolving Fund pursuant to Section 16724.5 of the Government Code. The bonds shall, when sold, be and constitute a valid and binding obligation of the State of California, and the full faith and credit of the State of California is hereby pledged for the punctual payment of both principal of, and interest on, the bonds as the principal and interest become due and payable.

23821. The bonds authorized by this chapter shall be prepared, executed, issued, sold, paid, and redeemed as provided in the State General Obligation Bond Law (Chapter 4 (commencing with Section 16720) of Part 3 of Division 4 of Title 2 of the Government Code), and all of the provisions of that law apply to the bonds and to this chapter and are hereby incorporated in this chapter as though set forth in full in this chapter.

23822. (a) Solely for the purpose of authorizing the issuance sale, pursuant to the State General Obligation Bond Law, of the bonds authorized by this chapter, the County Courthouse Facility Capital Expenditure Finance Committee is hereby created. For purposes of this chapter, the County Courthouse Facility Capital Expenditure Finance